IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 15521 of 2004(W)

PETITIONER:

SIDDIQUE, S/O. SAIDU MUHAMMED,
PANIKKASSERY HOUSE, P.O., OLLUKKARA, THRISSUR.

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:

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1. THE REVENUE SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, THISSUR.

3. THE DEPUTY TAHSILDAR (RR), THRISSUR.

4. UDAYAKUMAR,
KALATHIL HOUSE, VADAKKANCHERRY, THRISSUR.

5. K.C.JOHNY,
KAIMALA HOUSE, KANNARA P.O., THRISSUR.

ADDL. 6. DISTRICT EXECUTIVE OFFICER, KERALA MOTOR TRANSPORT WORKERS,
WELFARE FUND BOARD, THRISSUR.

ADDL. R6 IS IMPLEADED AS PER ORDER DATED 26.5.2004 IN I.A. 6249 OF 2004

ADDL. R6 BY ADV. SMT.I.SHEELADEVI, SC,KMTWF BOARD
R5 BY ADVS. SRI.C.U.SANGEETH
SRI.P.M.MANOJ
SMT.DEEPA.P.KUMARAN
R1 TO R3 BY G.P. SMT. SMITHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE RECEIPT ISSUED TO THE PETITIONER SHOWING THE PAYMENT OF RS. 1000/- DATED 6.10.99

EXT.P1(a) DO.DO. RS. 10,000/- DATED 30.3.99

EXT.P1(b) DO.DO. RS. 1,000/- DATED 19.7.99

EXT.P2 TRUE COPY OF THE REGISTRATION CERTIFICATE PARTICULARS OF THE VEHICLE KER 9567

EXT.P3 TRUE COPY OF THE REVENUE RECOVERY NOTICE FOR THE PERIOD 1999-00 DATED 28.8.2002

EXT.P4 DO.DO. FOR THE PERIOD 2000-01 DATED 6.11.2003

EXT.P5 DO.DO. 2001-02 DATED 6.11.2003

EXT.P6 DO.DO. 2002-03 DATED 26.3.2004

EXT.P7 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE RESPONDENTS 1 TO 3 DATED 12.4.2004

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 15521 OF 2004

Dated this the 12th day of December, 2007

JUDGMENT

Writ Petition is filed challenging revenue recovery proceedings for recovery of motor transport workers welfare fund contribution for the period from 1999-2003. Standing counsel for the addl. sixth respondent submitted that petitioner remitted contribution for 1999-2000. Even though petitioner has a case that vehicle was sold, petitioner has not contested the demand after receiving final determination order for the year 2000-01 on 28.6.2002. Similarly, even though final determination order for the year 2001-02 was served on the petitioner on 30.9.2003, petitioner has not filed appeal against this order also. However, for the year 2002-03, the final determination order is stated to be returned by the postal authority as "unclaimed". Petitioner has not produced any proof of transfer of vehicle and permit to fourth respondent or fifth respondent or any other person. In the circumstances, and since petitioner has not filed appeals against final determination orders received by him, I decline to interfere in the matter.

W.P. is devoid of any merit and is dismissed.

(C.N. RAMACHANDRAN NAIR)
Judge